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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,208	12/15/2000	Masahiro Konishi	0905-0251P-SP	8537
2292	7590	05/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,208

Applicant(s)

KONISHI, MASAHIRO

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamura et al. US 2003/133021 in view of Komiya et al. US 6,097,430.

Re claim 1, Hamamura discloses in figure 1 a digital still camera. The camera includes a CCD (103) for imaging a subject and outputting an image signal (page 1, paragraph 18). The camera also includes a taking lens (101) whose focal distance can be changed in accordance with a defocus amount received from MPU (21) and a rangefinder (15) for measuring the distance to the subject (page 2, paragraph 21). In addition, the camera includes an amplification circuit (111) for amplifying the image signal outputted from the CCD (103) (page 1, paragraph 19). Figure 5 discloses a flow chart of the operation of the camera during the FLASH ON subroutine. The under exposure determining unit (212) reads the number GN [1] from flash (18) corresponding to the gain of the amplification circuit (111) and divides $GN[1]$ by the open aperture value to obtain a flash emission effective for distance D [1] and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is longer than the distance D [1] (page 5, paragraph 60). Therefore, the camera includes a first judgment means (212) for judging whether or not the irradiation distance of a strobe is shorter than a distance to the subject that is measured by a distance measurement means. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance D [1], the gain of the amplification circuit (111) is increased to 2x a predetermined gain by gain setting unit (213) (page 5, paragraph 60). Therefore, the camera includes amplification factor control means (213) for increasing the amplification factor of the amplifier (111) when the irradiation distance

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of the strobe is determined to be shorter than the distance to the subject. Although the Hamamura reference discloses all of the above limitations its distance measurement means (rangerfinder 15) does not measure the distance to the subject on the basis of the subject image obtained by the imaging.

Komiya discloses in figure 19 and image processing apparatus. The image processing apparatus includes a range calculating section (54) for finding a distance of a subject on the basis of the subject image signals obtained by the imaging (col. 13, lines 48-60). Therefore, it would have been obvious for one skilled in the art to have been motivated to replace the rangerfinder for measuring the distance to the subject as disclosed by Hamamura with a range calculating section as disclosed by Komiya. Doing so would provide a means for providing an image processing apparatus using no range finder in order to avoid a cumbersome operation of making a separate measurement using a rangerfinder (Komiya: col. 13, lines 39-47).

Re claim 2, Hamamura states that after a light adjustment IC (20) is alerted to the 2x gain exposure the under exposure determining unit (212) reads the number GNo [2] from flash (18) corresponding to the gain of the amplification circuit (111) and divides Gno [2] by the open aperture value to obtain a flash emission effective for distance D [2] and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangerfinder (15) is longer than the distance D [2] (page 5, paragraph 61). Therefore, the camera includes a second judgment means (212) for judging whether or not the image signal amplified by the amplification

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circuit (111) satisfies predetermined brightness. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance D [2], the gain of the amplification circuit (111) is increased to 2x the previously doubled gain by gain setting unit (213) (page 5, paragraph 61). Therefore, the camera includes amplification factor control means (213) further increases the amplification factor of the amplifier (111) when the second judgment means (212) judges that the subject image represented by the amplified image signal does not satisfy a predetermined brightness.

Re claim 3, see claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


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